

### **REMARKS**

This Amendment is in response to the Office Action mailed January 12, 2006. In the Office Action, claims 30 and 31 were objected and claims 1-4, 6-10 and 18-29 were rejected under 35 U.S.C. §103. Claims 30 and 31 have been placed into independent form to include limitations of claims 6, 27 and 29 and claim 6, respectively. In addition, claims 1-2, 6, 18, 20 and 22 have been amended. Reconsideration and withdraw of the outstanding rejection in light of the amendments and remarks made herein is respectfully requested.

#### ***Request for an Examiner's Interview***

Applicants respectfully request the Examiner to contact the undersigned attorney if further discussion is necessary to reconsider the allowability of the pending claims. Such discussion would facilitate prosecution of the subject application. The undersigned attorney can be reached at the telephone number listed below.

#### ***Rejections Under 35 U.S.C. § 103***

##### **A. REJECTION OF CLAIMS 1-4, 6-10 AND 27-29**

Claims 1-4 and 6-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brunelle (U.S. Patent No. 5,608,807) in view of Zampini (U.S. Patent No. 5,319,359). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988).* Herein, the combined teachings of the cited references fail to describe or suggest all of the claim limitations.

With respect to independent claim 1, Applicants respectfully submit that neither Brunelle nor Zampini, alone or in combination, describe or suggest “at least one indicator light ...configured with at least two light emitting devices enclosed within a single transparent housing to collectively output a first color and a second color...” *Emphasis added*. In contrast, the indicator lights allegedly taught by Brunelle are a LCD (18) and a vertically oriented series of LEDs (4).

Moreover, Applicants respectfully submit that neither Brunelle nor Zampini, alone or in combination, describe or suggest an indicator light that outputs “at least one indicator light of said plurality of indicator lights configured with at least two light emitting devices enclosed within a single transparent housing to collectively output a first color and a second color wherein the first color identifies that the system is operating in a first mode where the corresponding track is able to be mixed with other tracks and the second color identifies that the system is operating in a second mode where the corresponding track is associated with an output of recorded material.” Applicants respectfully disagree with the contentions in the Office Action that column 4, lines 34-47 of Brunelle describes this or any similar feature. Rather, column 4, lines 34-47 of Brunelle describe the positioning of I/O channels (2a), knobs (5) and switch (7) within a channel module (2). There is no suggestion of indicator lights that output different colors based on whether the operating modes as claimed.

As a result, Applicants respectfully submit that the outstanding §103(a) rejection as applied to independent claim 1 be withdrawn.

With respect to independent claim 6, the Office Action states that columns 1-2 of Zampini disclose an LED that indicates a status of a first and second device by outputting a first and second color. *See page 3 of the Office Action*. Applicants respectfully traverse this rejection because Zampini teaches both channel designated LEDs and designated line-out LEDs that are lit based on various monitoring operations. *See Figure 2 of Zampini*. In contrast, Zampini fails to provide any teaching or suggestion of using different color outputs to indicate status of two or more devices. Hence, neither Brunelle nor Zampini, alone or in combination, describes or suggests “adjusting a color output of the activated indicator light where a *first color output by the*

*indicator light corresponds to a first non-transport mode of a corresponding track and a second color output by the indicator light corresponds to a second non-transport mode of the corresponding track” as set forth in claim 6. Emphasis added.*

Applicants respectfully submit that the outstanding §103(a) rejection as applied to independent claim 6 be withdrawn.

With respect to claims 2-4, 7-10 and 27-29, Applicants respectfully submit that a *prima facie* case of obviousness has not been established. However, based on the dependency of claims 2-4, 7-10 and 27-29 on independent claims 1 and 6, believed by Applicants to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 2-4, 7-10 and 27-29 is respectfully requested.

B. REJECTION OF CLAIMS 20 AND 22

Claims 20 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Zampini. Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established because Zampini does not describe or suggest the *type of transport movement and a mode of the one corresponding track. Emphasis added.* Rather, Zampini teaches the illumination of the line out LEDs (L,R of FIG. 2) when the mixer routes the edit signals to the line out channels. *See col. 3, lines 1-2 and 48-49 of Zampini.* Such illumination clearly fails to indicate the type of transport movement of the track as set forth in claim 20 and further defined in dependent claim 22.

Hence, Applicants respectfully request withdrawal of the §103(a) rejection as applied to claims 20 and 22.

C. REJECTION OF CLAIM 26

Claim 26 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Zampini in view of Brunelle. Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established. While Applicants respectfully traverse the rejection, it is noted that claim 26 is dependent on claim 20, which Applicants believe is in condition for

allowance. Therefore, no further discussion as to the grounds for traverse is warranted at this time. Applicants reserve the right to present such arguments during an Appeal if an Appeal is warranted.

D. REJECTION OF CLAIMS 18, 19, 21, 24 AND 25

Claims 18, 19, 21, 24 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brunelle in view of Turnbull (U.S. Patent No. 5,803,579). Applicants respectfully disagree with the rejection because neither Brunelle nor Turnbull, alone or in combination, suggests an operation of determining a *type of transport movement* of the track in the multi-track recording system as well as indicating the *type of transport movement* of the track by illuminating a first light emitting diode disposed in a housing. *Emphasis added.*

Even in accordance with the Examiner's interpretation that the output meter (4) of Brunelle constitutes the first light emitting device (LED) and the instrumental indicator (18) of Brunelle constitutes the second LED, the claimed invention is not suggested by the combined teachings of the cited references. For instance, the teachings of the output meter (4) and the instrumental indicator (18) of Brunelle combined with the particular lighting pattern of two separate LED groupings of Zampini do not suggest that combined lighting of these elements for indicating the mode of the track and/or type of transport movement. Rather, the output meter (4) as described by Brunelle (LEDs) is used to identify the level of audio sound for a channel module (2). The instrumental indicator (18) is a LCD that displays changeable information, such as text to identify instrument type. These so-called LEDs cannot be utilized together to generate a third color (claim 18) or indicate a type of transport movement (claim 20) as claimed.

Moreover, Applicants respectfully submit that there is no suggestion for the combination of the teachings of Brunelle and Turnbull. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination. *See In re Mills, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990).* Moreover, even if combined, the combined system would not be directed to the mode of the track as claimed, but rather at its audible sound level.

With respect to claim 19 and claims 21, 24 and 25, these claim sets are dependent on independent claim 18 and 20, respectively. Applicants believe that claims 18 and 20 are in condition for allowance as noted above. Therefore, no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments if an Appeal is warranted.

In view of the foregoing arguments, Applicants respectfully request withdrawal of the §103(a) rejection of claims 18, 19, 21, 24 and 25.

E. REJECTION OF CLAIM 23

Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Brunelle in view of Zampini (U.S. Patent No. 5,444,789). Applicants respectfully traverse the rejection. However, it is noted that claim 23 is dependent on claim 20, which Applicants believe is in condition for allowance. Therefore, no further discussion as to the grounds for traverse is warranted.

***Conclusion***

In view of the remarks made above, it is respectfully submitted that pending claims 1-4, 6-10 and 18-31 define the subject invention over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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